IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 23rd day of December, 2005

Crl. Bail Application No. 1127 of 2005

Order on the bail application of accused

Criminal Side

Subhash Kumar S/o Late Shri Styanarayan
R/o Village Madraila
P.S. Pilani
District Jhunjhdu (Rajasthan) ……Applicant

Versus

State of Uttaranchal ……...Opposite Party

Arising out of Crime No. 392 of 2005
Under Sections: 376, 420, 120 B of I.P.C.
Police Station: Kotwali, Dehradun
District: Dehradun.

Hon'ble Prafulla C. Pant, J.

This is bail application moved on behalf of the applicant Subhash Kumar S/o Late Shri Satyanarayan, who is in jail in connection with Case Crime No. 392 of 2005 under Section 376, 420, 120B of I.P.C., Police Station Kotwali, Dehradun, District- Dehradun.

Heard learned counsel for the applicant and learned A.G.A.

F.I.R. is delayed by almost four months. The incident is alleged to be of June 2005. While the F.I.R. was lodged on 16.10.2005. Prima-facie there is no sufficient explanation at this stage for delay in lodging the F.I.R. by the complainant.

The medical report dated 19.10.2005 does not give any definite indication as to the rape.

In the above circumstances, without expressing any opinion as to the final merits of the case, this Court is of the view that the applicant deserves bail. Let the applicant be released on bail on executing personal bond and furnishing of two surety bonds each of the like amount to the satisfaction of the Chief Judicial Magistrate, Dehradun.

(Prafulla C. Pant, J.)

Dt. 23.12.2005

Sweta